

- AS
- d. artificially inseminating said female equid;
  - e. fertilizing at least one equine egg within said female equid; and
  - f. producing an offspring equid of the desired sex.
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Please cancel claims 1-~~14~~, and ~~70~~-135, as amended under Article 34, PCT, without prejudice.

#### REMARKS

This application is the United States National Stage of International Application No. PCT/US99/17165 which claims the benefit of United States Provisional Application No. 60/094,720, filed July 30, 1998, and United States Provisional Application No. 60/113,143, filed December 18, 1998.

The applicant has canceled claims 1-14, and 70-135 solely to expedite examination of the remaining claims as amended under Article 34, PCT (a copy of the claims as amended under Article 34 is attached for the convenience of the examiner). In the original application, an unusually large number of claims were presented in order to adequately claim the various aspects of the present invention(s) in dependent and alternatively independent fashions. Thus, the applicants have voluntarily reduced the number to assist the examiners in their efforts to primarily three independent closely related claims (with the accompanying dependent claims) for consideration in this first application without waiving the right to add claims such as dependent claims already disclosed herein. The applicant further reserves the right to have the remaining independent claims along with their dependant claims examined in timely filed applications such as continuations, divisionals, or continuations-in-part without limitation in subject matter or

breadth. The enclosed fee sheet is based on the claims remaining after this preliminary amendment.

The applicant respectfully requests that the office examine claims 15-44, 45-60, and 61-69 which should not be subject to lack of unity. The claims have unity of invention because claim 61 is an apparatus for carrying out the process claimed by independent claim 45 and independent claim 15 claims a use for the product.

During the National Stage when considering unity of invention of claims under 35 U.S.C. 121, 371, and 372; Rules 13.1 and 13.2 will be followed without regard to the practice in national applications filed under 35 U.S.C. §111. §1850 MPEP. The Rules indicate that there is unity of invention where a "technical relationship" exists between one or more of the same or corresponding "special technical features". Rule 13.2 PCT. Specifically, there is unity of invention where inventions within the same application have a relationship between a product, process, and use. §1850 C (A). Illustrations of particular Situations.

#### CONCLUSION

The applicant respectfully requests that the office proceed with the examination of claims 15-44, 45-60, and 61-69 as amended under Article 34, PCT. These claims have unity of invention under Rules 13.1 and 13.2, PCT; and §1850 C (A), MPEP.

Dated this 29 day of January 2001.

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